

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

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KEVIN CAMPBELL,

Docket No.:
22 CV 7662

Plaintiff,

-against-

DECLARATION OF
JESSICA MASSIMI

FEDERAL EXPRESS CORPORATION,
FEDEX EXPRESS, and ERIC WANDERS,
INDIVIDUALLY,

Defendants.

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I, Jessica Massimi, attorney for the Plaintiff, Kevin Campbell, declare under penalty of perjury that the foregoing is true and correct.

I am an attorney admitted to practice law in this court.

I submit this declaration to identify the exhibits submitted with Plaintiff's motion for summary judgment.

1. Attached hereto as Exhibit 1 is Plaintiff Kevin Campbell's deposition transcript. ("Campbell Tr.").
2. Attached hereto as Exhibit 2 is Defendant FedEx Senior Manager Eric Warnders' deposition transcript. ("Warnders Tr.").
3. Attached hereto as Exhibit 3 is FedEx Managing Director Nanette Malebranche's deposition transcript. ("Malebranche Tr.").
4. Attached hereto as Exhibit 4 is FedEx Senior Security Specialist James Cahill's deposition transcript ("Cahill Tr.").
5. Attached hereto as Exhibit 5 is FedEx Operations Manager Henry Nunez's Deposition Transcript. ("Nunez Tr.").
6. Attached hereto as Exhibit 6 is FedEx Operations Manager Steven Pasqualicchio's deposition transcript. ("Pasqualicchio Tr.").
7. Attached hereto as Exhibit 7 is FedEx Manager Michael Bradley's deposition transcript. ("Bradley Tr.").
8. Attached hereto as Exhibit 8 is FedEx Manager Monty Bovell's deposition transcript. ("Bovell Tr.").

9. Attached hereto as Exhibit 9 is FedEx Assistant Human Resources Manager Lance Reyes' deposition transcript. ("Reyes Tr.").
10. Attached hereto as Exhibit 10 is FedEx Manager Frank Ontaneda's deposition transcript. ("Ontaneda Tr.").
11. Attached hereto as Exhibit 11 is FedEx employee Aldamel Spencer's deposition transcript. ("Spencer Dep. Tr.").
12. Attached hereto as Exhibit 12 is a video recording depicting Henry Nunez, produced in this litigation as Plaintiff's Production Number 70. ("First Nunez Video").
13. Attached hereto as Exhibit 13 is a video recording depicting Henry Nunez, produced in this litigation as Plaintiff's Production Number 72. ("Second Nunez Video").
14. Attached hereto as Exhibit 14 is the transcript of an audio recording, recorded by Plaintiff, of a telephone conversation between Plaintiff Kevin Campbell and former FedEx employee Aldamel Spencer, produced in this litigation as Plaintiff's Production Numbers 80-225. ("Spencer Tel. Tr.").
15. Attached hereto as Exhibit 15 is former FedEx employee Augusto Alzate's deposition transcript. ("Alzate Tr.").
16. Attached hereto as Exhibit 16 is FedEx Senior Security Specialist James Cahill's Security Investigative Report, produced in this litigation by Defendants as ESI0000962-ESI0000966. ("Security Report").
17. Attached hereto as Exhibit 17 is FedEx Guaranteed Fair Treatment Procedure Section 5-5 produced in this litigation by Defendants FEC 1031-1040. ("GFT Procedure Section 5-5").
18. Attached hereto as Exhibit 18 is Plaintiff's May 25, 2021 Termination Letter, produced by the Defendants as ESI0000049. ("Termination Letter").
19. Attached hereto as Exhibit 19 is Defendant FedEx's Security Interview of Aldamel Spencer, produced by the Defendants as FEC1497. ("Spencer Security Recording").
20. Attached hereto as Exhibit 20 is Peter Lorenzi's Corrective Action Document produced by the Defendants in this litigation as FEC 0979-0980. ("Lorenzi Corrective Action").
21. Attached hereto as Exhibit 21 is the June 21, 2021 Email From Nan Malebranche to Samuel Rodriguez produced by the Defendants as FEC 0723.
22. Attached hereto as Exhibit 22 is Plaintiff's GFT Step I Form produced by the Defendants as ESI0000041-0000045. ("GFT Form").

23. Attached hereto as Exhibit 23 is the June 1, 2021 Email from Eric Warnders to Nan Malebranche produced by the Defendants as ESI0000481. (“June 1st Warnders Email”).
24. Attached hereto as Exhibit 24 is the 24, June 4th Letter from Monty Bovell to Kevin Campbell produced by the Defendants as ESI0000046. (“June 4th Letter”).
25. Attached hereto as Exhibit 25 is the June 10, 2021 Letter from Nan Malebranche to Kevin Campbell produced by the Defendants as FEC 0736. (“June 10th Letter”).
26. Attached hereto as Exhibit 26 is Defendants’ Rule 26(a) Disclosures.
27. Attached hereto as Exhibit 27 is the August 10, 2021 Email from Defendant Warnders to Stephanie Rycraw produced by the Defendants as ESI0000485-ESI0000488. (“August 10th Email”).
28. Attached hereto as Exhibit 28 is Plaintiff’s EEOC Rebuttal Letter.
29. Attached hereto as Exhibit 29 is the FedEx Equal Employment Opportunity/Affirmative Action Section 4-55 produced by the Defendants as FEC 1025-1026. (“EEO Section 4-55”).
30. Attached hereto as Exhibit 30 is Defendants’ Internal EEO Complaint Investigative Report produced by the Defendants as FEC 937-938. (“Malebranche IEEO Report”).
31. Attached hereto as Exhibit 31 FedEx Policy Acceptable Conduct Policy Section 2-5 produced by the Defendants as FEC 1048-1057. (“FedEx Acceptable Conduct Policy”).
32. Attached hereto as Exhibit 32 is FedEx Anti-Harassment Policy Section 5-55 produced by the Defendants as FEC 1028-1029.
33. Attached hereto as Exhibit 33 is Defendants’ Answer with Affirmative Defenses.
34. Attached hereto as Exhibit 34 are screenshots from my telephone, produced by me bearing stamps Plaintiff’s Production Numbers 78 and 79, confirming that Aldemel Spencer called me prior to our recorded phone call, and that I then returned his phone call and we spoke for 1 hour and 19 minutes.
35. Attached hereto as Exhibits 35 and 36 are the audio recordings that appear at Exhibit 14 and that were turned into transcripts. These audio recordings were produced in this litigation at Plaintiff’s Production Numbers 76 and 77.

36. Attached hereto as Exhibit 37 is Defendants' EEOC Position Statement.

37. Attached hereto as Exhibit 38 is the Declaration of Plaintiff Kevin Campbell.

Dated: New York, New York
September 13, 2024

By: *Jessica Massimi*
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